

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**DEFENDANT'S EVIDENTIARY SUBMISSION IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT**

Comes now the Defendant, Sears Roebuck and Co. and offers this Evidentiary Submission in Support of Motion for Summary Judgment, filed simultaneously with and in support of Defendant's Motion for Summary Judgment .

1. Deposition of Beatrice Willis with Exhibits attached thereto.
2. Deposition of Shannon Bryant with Exhibits attached thereto
3. Declaration of Terry Gandy with Exhibits attached thereto.
4. Declaration of Kenny Reese attached thereto.
5. Declaration of Byron Mason with Exhibits attached thereto.
6. Declaration of John Lawrie attached thereto.

7. Declaration of Stephanie Darby attached thereto.
8. Declaration of Carolyn Landers attached thereto.
9. Declaration of Jackie Dodson with Exhibits attached thereto.
10. Relevant Portions of Deposition of Denise Smith attached thereto.

/s/MiekeA.Hemstreet
Mac B. Greaves (GRE007)
Mieke A. Hemstreet (HEM007)
Attorney for Defendant

SEARS, ROEBUCK AND CO.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant Sears, Roebuck and Co.'s Evidentiary Submission in Support of its Motion for Summary Judgment has been served on the following by directing same to his office address through first-class, United States mail, postage prepaid, on this the 16th day of October, 2006:

T. Robin McIntyre
2101 Executive Park Drive
Opelika, Al 36801

/s/ Mieke A. Hemstreet
OF COUNSEL